

01-23-4

HDP/SB/21 based on PTO/SB/21 (08-00)

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## TRANSMITTAL FORM

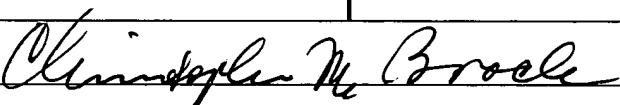
(to be used for all correspondence after initial filing)

		Application Number	10/643,198
		Filing Date	08/18/2003
		First Named Inventor	Manfred Schumacher
		Group Art Unit	
		Examiner Name	
Total Number of Pages in This Submission		Attorney Docket Number	4965-000156

### ENCLOSURES (check all that apply)

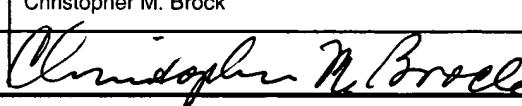
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<b>International Preliminary Examination Report; and postcard.</b>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.		Attorney Name Christopher M. Brock	Reg. No. 27313
Signature				
Date	January 22, 2004			

### CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail in an envelope addressed to: Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date indicated below.

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Signature		Date	January 22, 2003

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## PATENT COOPERATION TREATY

## PCT

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 72.2)

## From the INTERNATIONAL BUREAU

To:

DUHME, Torsten  
Witte, Weller & Partner  
Postfach 105462  
70047 Stuttgart  
Germany

06.OCT.2003

Date of mailing (day/month/year) 28 September 2003 (28.09.03)	
Applicant's or agent's file reference 4035P128WO - TD/cr	IMPORTANT NOTIFICATION
International application No. PCT/EP02/01747	International filing date (day/month/year) 19 February 2002 (19.02.02)
Applicant PILZ GMBH & CO. et al	

## 1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

## 2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

CA,CN,JP,KP,KR,US

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AP,EA,EP,AE,AG,AL,AM,AT,AU,AZ,BA,BB,BG,BR,BY,BZ,CH,CO,CR,CU,CZ,DE,DK,DM,DZ,EC,EE,ES,FI,GB,GD,GE,GH,GM,HR,HU,ID,IL,IN,IS,KE,KG,KZ,LC,LK,LR,LS,LT,LU,LV,MA,MD,MG,MK,MN,MW,MX,MZ,NO,NZ,OM,PH,PL,PT,RO,RU,SD,SE,SG,SI,SK,SL,TJ,TM,TN,TR,TT,TZ,UA,UG,UZ,VN,YU,ZA,ZM,ZW,OA

## 3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

**It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.**

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Hélène CAMPIN (Fax 338 8970)
Facsimile No. (41-22) 338.8970	Telephone No. (41-22) 338 9716

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 4035P128WO - TD/cr	<b>FOR FURTHER ACTION</b>	SeeNotificationofTransmittalofInternational Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/EP02/01747	International filing date (day/month/year) 19 February 2002 (19.02.02)	Priority date (day/month/year) 08 March 2001 (08.03.01)
International Patent Classification (IPC) or national classification and IPC G05B 9/02		
Applicant PILZ GMBH & CO.		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>2</u> sheets.</p>
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li>I <input checked="" type="checkbox"/> Basis of the report</li> <li>II <input type="checkbox"/> Priority</li> <li>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li>IV <input type="checkbox"/> Lack of unity of invention</li> <li>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI <input type="checkbox"/> Certain documents cited</li> <li>VII <input type="checkbox"/> Certain defects in the international application</li> <li>VIII <input type="checkbox"/> Certain observations on the international application</li> </ul>

Date of submission of the demand 16 July 2002 (16.07.02)	Date of completion of this report 09 May 2003 (09.05.2003)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.



JAN 22 2004

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP02/01747

## HEADERS of the report

## 1. With regard to the elements of the international application:\*

the international application as originally filed  
 the description:

pages \_\_\_\_\_ 1-11 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

the claims:

pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement under Article 19)  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_ 1-6 \_\_\_\_\_, filed with the letter of 25 March 2003 (25.03.2003)

the drawings:

pages \_\_\_\_\_ 1/1 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

the sequence listing part of the description:

pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).  
 the language of publication of the international application (under Rule 48.3(b)).  
 the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

contained in the international application in written form.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority in written form.  
 furnished subsequently to this Authority in computer readable form.  
 The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
 The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4.  The amendments have resulted in the cancellation of:

the description, pages \_\_\_\_\_  
 the claims, Nos. \_\_\_\_\_  
 the drawings, sheets/fig. \_\_\_\_\_

5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/EP 02/01747

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	1 - 6	YES
	Claims		NO
Inventive step (IS)	Claims	1 - 6	YES
	Claims		NO
Industrial applicability (IA)	Claims	1 - 6	YES
	Claims		NO

## 2. Citations and explanations

## 1. Reference is made to the following publication:

D1 = DE-A-28 01 326.

2. Publication D1 is considered to be the closest prior art. It shows a process for error-free monitoring of the rotation of a wheel shaft comprising the following steps:

- generation of a characteristic pulse sequence having a number of temporally successive pulses (11, 12, 13, 14), the time interval between which is a function of the rotation of the shaft;
- determination of a monitoring period  $t_{max}$ ;
- monitoring to see whether an expected pulse in the pulse sequence occurs within the monitoring period; and
- generation of a control signal if the expected pulse fails to occur within the monitoring period (see page 8, lines 26-29).

Furthermore, publication D1 shows that during the monitoring process the monitoring period  $t_{max}$  is continually adjusted to the time interval between

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

International application No. PCT/EP 02/01747
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pulses  $t_1$  (see page 7, lines 17-29).

The subject matter of Claim 1 differs substantially from the disclosure of publication D1 in that the process according to Claim 1 relates to shaft fracture monitoring in a press. Consequently, the subject matter of Claim 1 is novel (PCT Article 33(2)). The fact that the prior art evident from publication D1 has undergone no further development towards the subject matter of the application in almost 25 years, although a need has long existed, speaks in favor of inventive step. Consequently, the subject matter of Claim 1 involves an inventive step (PCT Article 33(3)).

Dependent Claims 2-5 similarly involve an inventive step (PCT Article 33(3)).

Use Claim 6, which corresponds to process Claim 1, involves an inventive step for the same reasons (PCT Article 33(3)).